

Notice of Allowability

Application No.

10/565,411

Examiner

Crystal J. Barnes-Bullock

Applicant(s)

DIETRICH ET AL.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received on 10 July 2007.
2. ☒ The allowed claim(s) is/are 15-22 and 24-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. The following is a Notice of Allowance in response to the Amendment received on 10 July 2007. Claims 1-14 and 23 have been cancelled. Claims 17, 18 and 24 have been amended. Claim 29 has been added. Claims 15-22 and 24-29 are now pending in this application.

REASONS FOR ALLOWANCE

2. Claims 15-22 and 24-29 are allowed.

3. The following is an examiner's statement of reasons for allowance:

As per claim 15, the prior art of record taken alone or in combination fails to teach determining, with the data processing device, those components of the specific automation system that are jointly assignable to a functional group in the model structure representation; and entering the components ascertained in the determining step into the model structure representation to generate the structure representation describing the specific automation system.

As per claim 29, the prior art of record taken alone or in combination fails to teach ascertaining, with the data processing device, information that is typical of a component of a functional group or that is common to a plurality of

components of a functional group by generating from the relevant component path a type path indicating the relevant functional group, thereby generating the type path from the component path by removing the at least one identification for the respective component from the component path to form the type path.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to designing/planning process control systems:

USPN 7,024,475 B1 to Abaye et al.

USPN 6,826,539 B1 to Loveland

USPN 5,920,861 to Hall et al.

USPN 5,892,900 to Ginter et al.

Application/Control Number:
10/565,411
Art Unit: 2121

Page 4

US Pub. No. 2004/0078105 A1 to Moon et al.

US Pub. No. 2002/0016707 A1 to Devoino et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes-Bullock whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Vincent can be reached on 571.272.3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/565,411
Art Unit: 2121

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CRYSTAL J. BARNES
PRIMARY PATENT EXAMINER
CJB
21 January 2008